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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,631	12/13/2001	Brian Fahs	10019977-1	9217

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

RAMPURIA, SATISH

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,631

Applicant(s)

FAHS ET AL.

Examiner

Satish S. Rampuria

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the application filed on 12/13/2001.
2. Claims 1-24 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 4, 7, 8, 9, 11, 15, 17, 19, and 23 rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,182,282 to Stoodley et al. (hereinafter called Stoodley).

Per claim 1:

Stoodley disclose:

- A computer-implemented method for analyzing a virtual function (col. 4, lines 28-30 “computer implemented method of compiling... a computer program for calling at least one... virtual function”), said method comprising:
 - determining whether a virtual table exists for a virtual function (col. 4, lines 32-35 “determining... virtual functions... in a virtual function table”); and
 - determining a call type for a virtual function (col. 4, lines 29-30 “a computer program for calling... virtual function”).

Per claim 3:

The rejection of claim 1 is incorporated, and further, Stoodley disclose:

- wherein said call type is selected from the group comprising direct, indirect, and virtual substantially as claimed (col. 4, lines 66-67 “employing said entry to operably construct a call to said virtual function”).

Per claim 7:

The rejection of claim 1 is incorporated, and further, Stoodley disclose:

- determining from which location said virtual function has been called (col. 4, lines 54-55 “determining a location of an entry for said virtual function in a virtual function table”).

Claims 9, 11, and 15 are the computer program product claim corresponding to method claims 1, 3, and 7 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 1, 3, and 7 respectively, above.

Claims 17, 19, and 23 are the apparatus claim corresponding to method claims 1, 3, and 7 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 1, 3, and 7 respectively, above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4, 5, 6, 10, 12, 13, 14, 16, 18, 20, 21, 22 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Stoodley in view of US Patent No. 6,263,491 to Hunt (hereinafter called Hunt).

Per claim 2:

The rejection of claim 1 is incorporated, and further, Stoodley does not explicitly disclose performing instrumentation on said virtual function based upon said call type.

However, Hunt discloses in an analogous computer system performing instrumentation (col. 3, lines 50 "instrumentation packages for performing operations on the applications") on said virtual function based upon said call type (col. 11, lines 1-2 "calling indirectly through an interface's virtual function table").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of performing instrumentation on said virtual function based upon said call type as taught by Hunt into the method of analyzing and determining if the virtual function table exist as taught by Stoodley. The modification would be obvious because of one of ordinary skill in the art would be motivated to perform instrumenting on virtual functions to reduce the overhead for particular operation as suggested by Hunt (col. 3, lines 18-37).

Per claim 4:

The rejection of claim 2 is incorporated, and further, Stoodley disclose:

- provided said virtual table is located (col. 7, lines 12 “A virtual function table... provided”), replacing an existing address for said virtual function with a new address for said virtual function in said virtual table such that said new address points to instrumentation code (col. 4, lines 40-46 “each entry for each remaining inherited virtual function and for each new virtual function comprises an address pointer representing one of the location of an address adjustment program and an address of said function”);
- upon a call to said virtual function (col. 4, lines 48-49 “compiling a call to a virtual function”), load said new address from said virtual table (col. 4, lines 54-55 “determining a location of an entry for said virtual function in a virtual function table”) such that execution is directed to the instrumentation code (col. 5, lines 21-22 “transferring execution of the program to the address indicated by the address pointer”); and
- continue execution and execute said instrumentation code such that control is delivered to said instrumentor (col. 9, lines 49-51 “The hybrid VFT implementation allows classes compiled by an old compiler to be integrated with newly compiled classes without recompilation of the old classes”).

Per claim 5:

Art Unit: 2124

The rejection of claim 4 is incorporated, and further, Stoodley does not explicitly disclose performing a desired instrumentation task by said instrumentor; and resume execution by said instrumentor at said existing address previously contained in said virtual table.

However, Hunt discloses in an analogous computer system performing a desired instrumentation task by said instrumentor (col. 3, lines 49-51 "Different versions... are packaged in different instrumentation packages for performing operations on the application"); and resume execution by said instrumentor (col. 44, line 3 "resumes application execution") at said existing address previously contained in said virtual table (col. 44, lines 6-8 "leaving the instrumentation runtime firmly embedded in the application's address space").

The feature of instrumenting and resume execution at an address would be obvious for the reasons set forth in the rejection of claim 2.

Per claim 6:

The rejection of claim 4 is incorporated, and further, Stoodley does not explicitly disclose overwriting said instrumentation code with instrumentation code which performs a desired instrumentation task; and provide an instruction at the end of said instrumentation code wherein said instruction points back to said existing address previously contained in said virtual table.

However, Hunt discloses in an analogous computer system overwriting said instrumentation code with instrumentation code which performs a desired instrumentation task (col. 45, lines 3-5 "the new imports section 670 can be overwritten with a binary rewriter to include the second library instead of the first, and the application re-binded"); and provide an instruction at the end of said instrumentation code wherein said instruction points back to said

Art Unit: 2124

existing address previously contained in said virtual table (col. 45, lines 22-25 "an interface is a pointer to a virtual function table (VTBL, pronounced "V-Table"). A component client always accesses an interface through an interface pointer (a pointer to the pointer to a virtual function table)").

The feature of overwriting instrumenting code and provide an instruction at an address would be obvious for the reasons set forth in the rejection of claim 2.

Per claim 8:

The rejection of claim 4 is incorporated, and further, Stoodley disclose:

- maintaining a mapping between said existing address for said virtual function and said new address for said virtual function (col. 4, lines 61-65 "each entry for each remaining inherited virtual function and for each new function comprises an address pointer representing one of the location of an address adjustment program and an address of said function").

Claims 10, 12, 13, 14 and 16 are the computer program product claim corresponding to method claims 2, 4, 5, 6, and 8 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 2, 4, 5, 6, and 8 respectively, above.

Claims 18, 20, 21, 22 and 24 are the apparatus claim corresponding to method claims 2, 4, 5, 6, and 8 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 2, 4, 5, 6, and 8 respectively, above.

Art Unit: 2124

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **703-305-8891**.

The examiner can normally be reached on **8:30 am to 5:00 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on **(703) 305-9662**. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner
Art Unit 2124
10/04/2004


KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100